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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	2:10-CR-287-GMN-(VCF)
)	
VINSON KELLOW,)	
)	
Defendant.)	

**GOVERNMENT'S MOTION FOR THE DISTRICT COURT CLERK TO DISBURSE FUNDS
 TO THE UNITED STATES MARSHALS SERVICE AND ORDER**

The United States respectfully moves this Court to order the District Court Clerk to disburse funds in the amount of \$435.00, and any future payments Vinson Kellow ("Kellow") may make to the District Court Clerk, to the United States Marshals Service ("USMS"), based on the Order of Forfeiture ("OOF") (ECF No. 214) entered at sentencing, directing Kellow to pay a criminal forfeiture money judgment in the amount of \$189,462.10.

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I. Procedural History

The grand jury returned a Six-Count Second Superseding Criminal Indictment (“Indictment”) (ECF No. 92) against Kellow. Kellow was charged in Count One with Conspiracy to Commit Mail Fraud and Wire Fraud in violation of 18 U.S.C. §§ 1341, 1343, and 1349; in Count Five with Wire Fraud in violation of 18 U.S.C. § 1343; and with forfeiture allegations under 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(2)(A); and 21 U.S.C. § 853(p). Indictment, ECF No. 92.

Kellow pled guilty to Count Five. Indictment, ECF No. 92; Plea Memorandum, ECF No. 108; Amended Change of Plea Minutes, ECF No. 106. A Preliminary Order of Forfeiture (ECF No. 107) was entered, directing Kellow to pay a criminal forfeiture money judgment of \$189,462.10, the amount of his criminal proceeds.

An OOF (ECF No. 214) was entered at sentencing, directing Kellow to pay the criminal forfeiture money judgment of \$189,462.10. The sentencing OOF (ECF No. 214) was attached to the Amended Judgment in a Criminal Case (ECF No. 266).

II. Facts

Kellow owes a criminal forfeiture money judgment of \$189,462.10. No restitution was ordered in his case. Kellow made \$435.00 in payments which were intended to be applied towards his criminal forfeiture money judgment since he owes no restitution. However, he mistakenly paid the District Court Clerk instead of the appropriate agency, the USMS. 21 U.S.C. § 853(i).

The United States requests Kellow’s current payments, and any future payments he may make to the District Court Clerk, be disbursed to USMS to be applied towards his outstanding criminal forfeiture money judgment.

III. Conclusion

Based on the foregoing, this Court should order the District Court Clerk to disburse \$435.00 to USMS for payment towards Kellow’s outstanding criminal forfeiture money judgment. This Court should

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1 further order any future payments Kellow may make to the District Court Clerk be disbursed to USMS upon
2 receipt.

3 DATED: September 1, 2015.

4 DANIEL G. BOGDEN
5 United States Attorney

6 /s/ Daniel D. Hollingsworth
7 DANIEL D. HOLLINGSWORTH
8 Assistant United States Attorney

9
10 IT IS SO ORDERED.

11 
12 UNITED STATES DISTRICT JUDGE

13 DATED: September 10, 2015
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PROOF OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on September 1, 2015, and by

U.S. MAIL:

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/s/ Michelle C. Lewis
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